

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY OMAREL KENNER,

Defendant.

CR 22-127-BLG-DLC

ORDER

Before the Court is Defendant Anthony Omarel Kenner's Unopposed Motion to Vacate Trial and Set Scheduling Conference. (Doc. 23.) The motion states that the current trial date of July 17, 2023 conflicts with Mr. Kenner's counsel's schedule because he is set to try a case in state court commencing the same day. (*Id.* at 1-2.) The motion requests that the Court vacate the current trial date and hold a short telephonic scheduling conference to select the new trial date. (*Id.* at 2.) The United States does not object. (*Id.*)

Although the stated scheduling conflict provides sufficient reason to continue the trial to allow Mr. Kenner continuity of counsel, 18 U.S.C. § 3161(h)(7)(B)(iv), a telephonic scheduling conference is unnecessary. The Court will deny the motion to vacate the trial setting, subject to renewal upon a motion to

continue that provides trial dates acceptable to both parties.

Accordingly, IT IS ORDERED that the motion (Doc. 23) is DENIED, subject to renewal.

DATED this 6th day of April, 2023.

A handwritten signature in blue ink, reading "Dana L. Christensen", is written over a horizontal line.

Dana L. Christensen, District Judge
United States District Court